

1 KAMALA D. HARRIS  
Attorney General of California  
2 JAMES M. LEDAKIS  
Supervising Deputy Attorney General  
3 DIANE DE KERVOR  
Deputy Attorney General  
4 State Bar No. 174721  
110 West "A" Street, Suite 1100  
5 San Diego, CA 92101  
P.O. Box 85266  
6 San Diego, CA 92186-5266  
Telephone: (619) 645-2611  
7 Facsimile: (619) 645-2061  
*Attorneys for Complainant*

**FILED**

Board of Vocational Nursing  
and Psychiatric Technicians

8  
9 **BEFORE THE**  
**BOARD OF VOCATIONAL NURSING AND PSYCHIATRIC TECHNICIANS**  
10 **DEPARTMENT OF CONSUMER AFFAIRS**  
**STATE OF CALIFORNIA**

11 In the Matter of the Petition to Revoke  
12 Probation Against:

Case No. VN-2004-1966

13 **JENNIFER JANE CABULONG**  
14 **24301 Gabriel Street**  
**Moreno Valley, CA 92551**

PETITION TO REVOKE PROBATION

15 **Vocational Nurse License No. VN 180541**

16 Respondent.

17  
18 Complainant alleges:

19 **PARTIES**

20 1. Teresa Bello-Jones, J.D., M.S.N., R.N. (Complainant) brings this Petition to Revoke  
21 Probation solely in her official capacity as the Executive Officer of the Board of Vocational  
22 Nursing and Psychiatric Technicians, Department of Consumer Affairs.

23 2. On or about April 18, 1997, the Board of Vocational Nursing and Psychiatric  
24 Technicians issued Vocational Nurse License Number VN 180541 to Jennifer Jane Cabulong  
25 (Respondent). The Vocational Nurse License was in effect at all times relevant to the charges  
26 brought herein and will expire on March 31, 2011, unless renewed.

27 3. In a prior disciplinary action entitled "*In the Matter of Accusation Against Jennifer*  
28 *Jane Cabulong*," Case No. VN-2004-1966, the Board of Vocational Nursing and Psychiatric

1 Technicians issued a decision, effective June 28, 2008, in which Respondent's Vocational Nurse  
2 License was revoked. However, the revocation was stayed and Respondent's Vocational Nurse  
3 License was placed on probation for a period of three (3) years with certain terms and conditions.  
4 A copy of that decision is attached as Exhibit A and is incorporated by reference.

#### 5 JURISDICTION

6 4. This Petition to Revoke Probation is brought before the Board of Vocational Nursing  
7 and Psychiatric Technicians (Board), Department of Consumer Affairs, under the authority of the  
8 following laws. All section references are to the Business and Professions Code (Code) unless  
9 otherwise indicated.

10 5. Section 2875 of the Code provides, in pertinent part, that the Board may discipline the  
11 holder of a vocational nurse license for any reason provided in Article 3 (commencing with  
12 section 2875) of the Vocational Nursing Practice Act.

13 6. Section 2892.1 of the Code provides, in pertinent part, that the Board may renew an  
14 expired license at any time within four years after the expiration.

15 7. Section 118, subdivision (b), of the Code provides that the suspension, expiration,  
16 surrender, or cancellation of a license shall not deprive the Board of jurisdiction to proceed with a  
17 disciplinary action during the period within which the license may be renewed, restored, reissued  
18 or reinstated.

#### 19 FIRST CAUSE TO REVOKE PROBATION

##### 20 (Compliance With Probation Program and Quarterly Report Requirements)

21 8. At all times after the effective date of Respondent's probation, Condition 2 stated:

22 Respondent shall fully comply with terms and conditions of the probation  
23 established by the Board and shall cooperate with the representatives of the Board in  
24 its monitoring and investigation of the Respondent's compliance with the Probation  
Program.

25 Respondent shall submit quarterly reports, under penalty of perjury, in a form  
26 required by the Board. The reports shall certify and document compliance with all  
the conditions of probation.

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9. Respondent's probation is subject to revocation because she failed to comply with Probation Condition 2, referenced above, as follows:

<u>Reporting Period</u>	<u>Due Date</u>	<u>Date Received</u>
Jul-Sep 2009	Oct. 7, 2009	Oct. 19, 2009 (12 days delinquent)
Oct-Dec 2009	Jan. 7, 2010	Not received
Jan-Mar 2010	Apr. 7, 2010	Not received
Apr-Jun 2010	Jul. 7, 2010	Not received
Jul-Sep 2010	Oct. 7, 2010	Not received
Oct-Dec 2010	Jan. 7, 2011	Not received

### **SECOND CAUSE TO REVOKE PROBATION**

#### **(Notification of Address and Telephone Number Change(s))**

10. At all times after the effective date of Respondent's probation, Condition 3 stated:

Respondent shall notify the Board, in writing, within five (5) days of a change of residence or mailing address, of her new address and any change in her work and/or home telephone numbers.

11. Respondent's probation is subject to revocation because she failed to comply with Probation Condition 3, referenced above. In a letter to Respondent dated February 17, 2010, sent to Respondent's address with the Board via certified mail, Respondent was notified of the Board's inability to reach her at the cellular telephone number she provided. On or about March 15, 2010, that letter was returned to the Board marked "Return to Sender – Unclaimed - Unable to Forward."

### **THIRD CAUSE TO REVOKE PROBATION**

#### **(Notification to Employer(s))**

12. At all times after the effective date of Respondent's probation, Condition 5 stated:

When currently employed or applying for employment in any capacity in any health care profession, Respondent shall notify her employer of the probationary status of Respondent's license. This notification to the Respondent's current health care employer shall occur no later than the effective date of the Decision. Respondent shall notify any prospective health care employer of her probationary status with the Board prior to accepting such employment. This notification shall be by providing the employer or prospective employer with a copy of the Board's Accusation and Disciplinary Decision.

1 The Health Care Profession includes, but is not limited to: Licensed Vocational  
2 Nurse, Psychiatric Technician, Registered Nurse, Medical Assistant, Paramedic,  
3 Emergency Medical Technician, Certified Nursing Assistant, Home Health Aide, and  
all other ancillary technical health care positions.

4 Respondent shall cause each health care employer to submit quarterly reports to  
the Board. The reports shall be on a form provided by the Board, shall include a  
5 performance evaluation and such other information as may be required by the Board.

6 Respondent shall notify the Board, in writing, within five (5) days of any  
change in employment status. Respondent shall notify the Board, in writing, if she is  
7 terminated from any nursing or health care related employment with a full  
explanation of the circumstances surrounding the termination.

8 13. Respondent's probation is subject to revocation because she failed to comply with  
9 Probation Condition 5, referenced above, in that Respondent failed to ensure a "Work  
10 Performance Evaluation" was submitted by her employer, Kindred Healthcare Center of Orange,  
11 for the following reporting periods:

<u>Reporting Period</u>	<u>Due Date</u>	<u>Date Received</u>
12 Oct-Dec 2009	Jan. 7, 2010	Not received
13 Jan-Mar 2010	Apr. 7, 2010	Not received
14 Apr-Jun 2010	Jul. 7, 2010	Not received
15 Jul-Sep 2010	Oct. 7, 2010	Not received
16 Oct-Dec 2010	Jan. 7, 2011	Not received

#### 17 FOURTH CAUSE TO REVOKE PROBATION

##### 18 (Completion of Educational Course(s))

19 14. At all times after the effective date of Respondent's probation, Condition 9 stated:

20 Respondent, at her own expense, shall enroll and successfully complete a  
21 course(s) substantially related to the violation(s) no later than the end of the first year  
22 of probation; or Respondent shall be suspended from practice, until she has enrolled  
23 in and has successfully completed the specified coursework.

24 The coursework shall be in addition to that required for license renewal. The  
Board shall notify Respondent of the course content and number of contact hours  
25 required. Within thirty (30) days of the Board's written notification of assigned  
coursework, Respondent shall submit a written plan to comply with this requirement.  
26 The Board shall approve such plan prior to enrollment in any course of study.

27 Upon successful completion of the course, Respondent shall cause the  
instructor to furnish proof to the Board within thirty (30) days of course completion.  
28

15. Respondent's probation is subject to revocation because she failed to comply with Probation Condition 9, referenced above, in that Respondent failed to submit proof of completion of the assigned educational courses relating to "Law and Ethics" and "Chemical Dependency/Substance Abuse" by the June 27, 2009 deadline. Respondent was notified and reminded of her obligation, in writing, via correspondence from the Board dated May 29, 2008, August 22, 2008, October 3, 2008, and September 2, 2009. Respondent was also notified verbally on August 21, 2008, and June 25, 2009.

## FIFTH CAUSE TO REVOKE PROBATION

**(Cost Recovery Requirements)**

16. At all times after the effective date of Respondent's probation, Condition 11 stated:

Respondent shall pay to the Board pursuant to Business and Professions Code Section 125.3 the costs of investigation and enforcement in this matter in the amount of \$2,725.50. Respondent shall be permitted to pay these costs in a payment plan approved by the Board, with the payments to be completed no later than three months prior to the end of the probation term. Failure to complete payment of cost recovery within this time frame shall constitute a violation of probation which may subject Respondent's license to outright revocation.

The Board may conditionally renew or reinstate, for a maximum of one year, the license of any respondent who demonstrates financial hardship. Respondent shall enter into a formal agreement with the Board to reimburse the unpaid costs within that one year period.

Except as provided above, the Board shall not renew or reinstate the license of any Respondent who has failed to pay all the costs as directed in a Decision.

17. Respondent's probation is subject to revocation because she failed to comply with Probation Condition 11, referenced above, in that Respondent failed to submit monthly cost recovery payments to the Board as agreed upon at her probation meeting with Board staff. On December 5, 2008 and January 26, 2009, the Board sent Respondent a demand for payment. Respondent's last payment, received on October 19, 2009, was returned for insufficient funds. A final demand notice was sent to Respondent on January 29, 2010. Respondent's outstanding balance of \$1,861.50 was referred to collections on June 9, 2010.

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1 **PRAYER**

2 WHEREFORE, Complainant requests that a hearing be held on the matters herein alleged,  
3 and that following the hearing, the Board of Vocational Nursing and Psychiatric Technicians  
4 issue a decision:

5 1. Revoking the probation that was granted by the Board of Vocational Nursing and  
6 Psychiatric Technicians in Case No. VN-2004-1966 and imposing the disciplinary order that was  
7 stayed thereby revoking Vocational Nurse License No. VN 180541 issued to Jennifer Jane  
8 Cabulong;

9 2. Revoking or suspending Vocational Nurse License No. VN 180541, issued to  
10 Jennifer Jane Cabulong;

11 3. Taking such other and further action as deemed necessary and proper.  
12

13 DATED: February 28, 2011.  
14



15 TERESA BELLO-JONES, J.D., M.S.N., R.N.  
16 Executive Officer  
17 Board of Vocational Nursing and Psychiatric Technicians  
18 Department of Consumer Affairs  
19 State of California  
20 Complainant

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## **Exhibit A**

### **Decision and Order**

**Board of Vocational Nursing and Psychiatric Technicians Case No. VN-2004-1966**



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BEFORE THE  
BOARD OF VOCATIONAL NURSING  
AND PSYCHIATRIC TECHNICIANS  
DEPARTMENT OF CONSUMER AFFAIRS  
STATE OF CALIFORNIA

In the Matter of the Accusation  
Against:

Case No. VN-2004-1966

JENNIFER JANE CABULONG  
6625 Avenida Michaelinda  
Riverside, CA 92509

Vocational Nurse License No.  
VN 180541

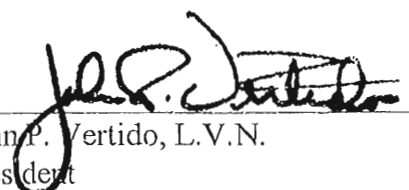
Respondent.

DECISION

The attached Stipulated Settlement and Disciplinary Order is hereby adopted by the Board of Vocational Nursing and Psychiatric Technicians as the Final Decision in the above entitled matter.

This Decision shall become effective on June 28, 2008.

IT IS SO ORDERED this 29<sup>th</sup> day of May, 2008.

  
John P. Vertido, L.V.N.  
President

EDMUND G. BROWN JR., Attorney General  
of the State of California  
JAMES M. LEDAKIS  
Supervising Deputy Attorney General  
DIANE DE KERVOR, State Bar No. 174721  
Deputy Attorney General  
110 West "A" Street, Suite 1100  
San Diego, CA 92101

P.O. Box 85266  
San Diego, CA 92186-5266  
Telephone: (619) 645-2611  
Facsimile: (619) 645-2061

Attorneys for Complainant

**BEFORE THE  
BOARD OF VOCATIONAL NURSING AND PSYCHIATRIC TECHNICIANS  
DEPARTMENT OF CONSUMER AFFAIRS  
STATE OF CALIFORNIA**

In the Matter of the Accusation Against:

**JENNIFER JANE CABULONG**  
6625 Avenida Michaelinda  
Riverside, CA 92509  
Vocational Nurse License No. VN 180541

Respondent.

Case No. VN-2004-1966

OAH No. L2007100953

**STIPULATED SETTLEMENT AND  
DISCIPLINARY ORDER**

In the interest of a prompt and speedy settlement of this matter, consistent with the public interest and the responsibility of the Board of Vocational Nursing and Psychiatric Technicians of the Department of Consumer Affairs, the parties hereby agree to the following Stipulated Settlement and Disciplinary Order which will be submitted to the Board for approval and adoption as the final disposition of the Accusation.

**PARTIES**

1. Teresa Bello-Jones, J.D., M.S.N., R.N. (Complainant) is the Executive Officer of the Board of Vocational Nursing and Psychiatric Technicians. She brought this action solely in her official capacity and is represented in this matter by Edmund G. Brown Jr., Attorney General of the State of California, by Diane De Kervor, Deputy Attorney General.

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1                   2.       Respondent Jennifer Jane Cabulong is representing herself in this  
2 proceeding and has chosen not to exercise her right to be represented by counsel.

3                   3.       On or about April 18, 1997, the Board of Vocational Nursing and  
4 Psychiatric Technicians issued Vocational Nurse License No. VN 180541 to Respondent. Unless  
5 renewed, the Vocational Nurse License will expire on March 31, 2009.

6                                   **JURISDICTION**

7                   4.       Accusation No. VN-2004-1966 was filed before the Board of Vocational  
8 Nursing and Psychiatric Technicians (Board), Department of Consumer Affairs, and is currently  
9 pending against Respondent. The Accusation and all other statutorily required documents were  
10 properly served on Respondent on September 7, 2007. Respondent timely filed her Notice of  
11 Defense contesting the Accusation. A copy of Accusation No. VN-2004-1966 is attached as  
12 exhibit A and incorporated herein by reference.

13                                   **ADVISEMENT AND WAIVERS**

14                   5.       Respondent has carefully read, and understands the charges and allegations  
15 in Accusation No. VN-2004-1966. Respondent has also carefully read, and understands the  
16 effects of this Stipulated Settlement and Disciplinary Order.

17                   6.       Respondent is fully aware of her legal rights in this matter, including the  
18 right to a hearing on the charges and allegations in the Accusation; the right to be represented by  
19 counsel at her own expense; the right to confront and cross-examine the witnesses against her;  
20 the right to present evidence and to testify on her own behalf; the right to the issuance of  
21 subpoenas to compel the attendance of witnesses and the production of documents; the right to  
22 reconsideration and court review of an adverse decision; and all other rights accorded by the  
23 California Administrative Procedure Act and other applicable laws.

24                   7.       Respondent voluntarily, knowingly, and intelligently waives and gives up  
25 each and every right set forth above.

26                                   **CULPABILITY**

27                   8.       Respondent admits the truth of each and every charge and allegation in  
28 Accusation No. VN-2004-1966.

1                   9.       Respondent agrees that her Vocational Nurse License is subject to  
2 discipline and she agrees to be bound by the Board's imposition of discipline as set forth in the  
3 Disciplinary Order below.

4                                   **CIRCUMSTANCES IN MITIGATION**

5                   10.       Respondent has never been the subject of any disciplinary action. She is  
6 admitting responsibility at an early stage in the proceedings and has been cooperative in this  
7 proceedings.

8                                   **CONTINGENCY**

9                   11.       This stipulation shall be subject to approval by the Board of Vocational  
10 Nursing and Psychiatric Technicians. Respondent understands and agrees that counsel for  
11 Complainant and the staff of the Board of Vocational Nursing and Psychiatric Technicians may  
12 communicate directly with the Board regarding this stipulation and settlement, without notice to  
13 or participation by Respondent. By signing the stipulation, Respondent understands and agrees  
14 that she may not withdraw her agreement or seek to rescind the stipulation prior to the time the  
15 Board considers and acts upon it. If the Board fails to adopt this stipulation as its Decision and  
16 Order, the Stipulated Settlement and Disciplinary Order shall be of no force or effect, except for  
17 this paragraph, it shall be inadmissible in any legal action between the parties, and the Board  
18 shall not be disqualified from further action by having considered this matter.

19                   12.       The parties understand and agree that facsimile copies of this Stipulated  
20 Settlement and Disciplinary Order, including facsimile signatures thereto, shall have the same  
21 force and effect as the originals.

22                   13.       In consideration of the foregoing admissions and stipulations, the parties  
23 agree that the Board may, without further notice or formal proceeding, issue and enter the  
24 following Disciplinary Order:

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1. **Obey All Laws.** Respondent shall obey all federal, state and local laws, including all statutes and regulations governing the license. Respondent shall submit, in writing, a full and detailed account of any and all violations of the law to the Board within five (5) days of occurrence. To ensure compliance with this term, respondent shall submit two (2) completed fingerprint cards and the applicable fingerprint processing fees to the Board within thirty (30) days of the effective date of the decision, unless the Board determines that fingerprint cards were already submitted by Respondent as part of her licensure application process effective July 1, 1996. Respondent shall also submit a recent 2" x 2" photograph of Female within thirty (30) days of the effective date of the decision.

**Requirements.** Respondent shall fully comply with terms and conditions of the probation established by the Board and shall cooperate with the representatives of the Board in its monitoring and investigation of the Respondent's compliance with the Probation Program.

3. **Notification of Address And Telephone Number Change(s).**

Respondent shall notify the Board, in writing, within five (5) days of a change of residence or mailing address, of her new address and any change in her work and/or home telephone numbers.

shall notify the Board, in writing, within five (5) days, if she leaves California to reside or practice in another state.

4

1 Respondent shall notify the Board, in writing, within five (5) days, upon her return  
2 to California.

3 The period of probation shall not run during the time Respondent is residing or  
4 practicing outside California.

5 **5. Notification to Employer(s).** When currently employed or applying for  
6 employment in any capacity in any health care profession, Respondent shall notify her employer  
7 of the probationary status of Respondent's license. This notification to the Respondent's current  
8 health care employer shall occur no later than the effective date of the Decision. Respondent  
9 shall notify any prospective health care employer of her probationary status with the Board prior  
10 to accepting such employment. This notification shall be by providing the employer or  
11 prospective employer with a copy of the Board's Accusation and Disciplinary Decision.

12 The Health Care Profession includes, but is not limited to: Licensed Vocational  
13 Nurse, Psychiatric Technician, Registered Nurse, Medical Assistant, Paramedic, Emergency  
14 Medical Technician, Certified Nursing Assistant, Home Health Aide, and all other ancillary  
15 technical health care positions.

16 Respondent shall cause each health care employer to submit quarterly reports to  
17 the Board. The reports shall be on a form provided by the Board, shall include a performance  
18 evaluation and such other information as may be required by the Board.

19 Respondent shall notify the Board, in writing, within five (5) days of any change  
20 in employment status. Respondent shall notify the Board, in writing, if she is terminated from  
21 any nursing or health care related employment with a full explanation of the circumstances  
22 surrounding the termination.

23 **6. Interviews/meetings With Board Representative(s).** Respondent,  
24 during the period of probation, shall appear in person at interviews/meetings as directed by the  
25 Board, or its designated representatives.

26 **7. Employment Requirements And Limitations.** During probation,  
27 Respondent shall work in her licensed capacity in the State of California. This practice shall  
28 consist of no less than six (6) continuous months and of no less than twenty (20) hours per week.

1 While on probation, Respondent shall not work for a nurses' registry or in any  
2 private duty position, a temporary nurse placement agency, as a faculty member in an accredited  
3 or approved school of nursing, or as an instructor in a Board approved continuing education  
4 course except as approved, in writing, by the Board. Respondent shall work only on a regularly  
5 assigned, identified and predetermined work site(s) and shall not work in a float capacity except  
6 as approved, in writing, by the Board.

7 **8. Supervision Requirements.** Respondent shall obtain prior approval from  
8 the Board, before commencing any employment, regarding the level of supervision provided to  
9 Respondent while employed as a licensed vocational nurse or psychiatric technician.

10 Respondent shall not function as a charge nurse (i.e., work in any healthcare  
11 setting as the person who oversees or directs licensed vocational nurses, psychiatric technicians,  
12 certified nursing assistants or unlicensed assistive personnel) or supervising psychiatric  
13 technician during the period of probation except as approved, in writing, by the Board.

14 **9. Completion of Educational Course(s).** Respondent, at her own expense,  
15 shall enroll and successfully complete a course(s) substantially related to the violation(s) no later  
16 than the end of the first year of probation; or Respondent shall be suspended from practice, until  
17 she has enrolled in and has successfully completed the specified coursework.

18 The coursework shall be in addition to that required for license renewal. The  
19 Board shall notify Respondent of the course content and number of contact hours required.  
20 Within thirty (30) days of the Board's written notification of assigned coursework, Respondent  
21 shall submit a written plan to comply with this requirement. The Board shall approve such plan  
22 prior to enrollment in any course of study.

23 Upon successful completion of the course, Respondent shall cause the instructor  
24 to furnish proof to the Board within thirty (30) days of course completion.

25 **10. Maintenance of Valid License.** Respondent shall, at all times while on  
26 probation, maintain an active current license with the Board, including any period during which  
27 suspension or probation is tolled.

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Should respondent's license, by operation of law or otherwise, expire, upon renewal or reinstatement respondent's license shall be subject to any and all terms of this probation not previously satisfied.

11. **Cost Recovery Requirements.** Respondent shall pay to the Board pursuant to Business and Professions Code Section 125.3 the costs of investigation and enforcement in this matter in the amount of \$2,725.50. Respondent shall be permitted to pay these costs in a payment plan approved by the Board, with the payments to be completed no later than three months prior to the end of the probation term. Failure to complete payment of cost recovery within this time frame shall constitute a violation of probation which may subject Respondent's license to outright revocation.

The Board may conditionally renew or reinstate, for a maximum of one year, the license of any respondent who demonstrates financial hardship. Respondent shall enter into a formal agreement with the Board to reimburse the unpaid costs within that one year period.

Except as provided above, the Board shall not renew or reinstate the license of any Respondent who has failed to pay all the costs as directed in a Decision.

12. **Violation of Probation.** If Respondent violates the conditions of her probation, the Board after giving Respondent notice and an opportunity to be heard, may set aside the stay order and impose the stayed discipline (revocation/suspension) of the Respondent's license. If during the period of probation, an accusation or petition to revoke has been filed against the Respondent's license or the Attorney General's Office has been requested to prepare an accusation or petition to revoke probation against the Respondent's license, the probationary period shall automatically be extended and shall not expire until the accusation or petition has been acted upon by the Board. Upon successful completion of probation, the Respondent's license will be fully restored.

13. **Chemical Dependency Support/recovery Groups.** Within five (5) days of the effective date of the Decision, Respondent shall begin attendance at a chemical dependency support group (e.g. Alcoholics Anonymous, Narcotics Anonymous, Nurse Support Group). Verified documentation of attendance shall be submitted by Respondent with each



1 quarterly report. Respondent shall continue attendance in such a group for the duration of  
2 probation.

3           14.   **Abstain From Controlled Substances.** Respondent shall completely  
4 abstain from the personal use or possession of controlled substances, as defined in the California  
5 Uniform Controlled Substances Act, and dangerous drugs as defined in Section 4021 and 4022 of  
6 the Business and Professions Code, except when lawfully prescribed by a licensed practitioner  
7 for a bona fide illness.

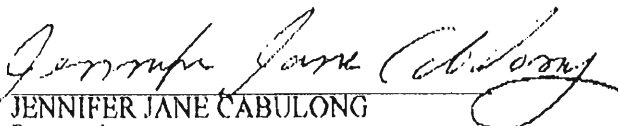
8           15.   **Abstain From Use of Alcohol.** Respondent shall completely abstain from  
9 the use of alcoholic beverages during the period of probation.

10           16.   **Submit Biological Fluid Samples.** Respondent shall immediately submit  
11 to biological fluid testing, at Respondent's cost, upon request by the Board or its designee. There  
12 will be no confidentiality in test results; positive test results will be immediately reported to the  
13 Board and the Respondent's current employer.

14                                   **ACCEPTANCE**

15           I have carefully read the Stipulated Settlement and Disciplinary Order. I  
16 understand the stipulation and the effect it will have on my Vocational Nurse License. I enter  
17 into this Stipulated Settlement and Disciplinary Order voluntarily, knowingly, and intelligently,  
18 and agree to be bound by the Decision and Order of the Board of Vocational Nursing and  
19 Psychiatric Technicians.

20  
21 DATED: 3.24.08

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23                                     
24 JENNIFER JANE CABULONG  
25 Respondent  
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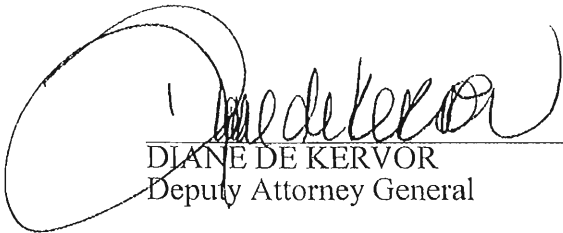
1 ENDORSEMENT

2 The foregoing Stipulated Settlement and Disciplinary Order is hereby respectfully  
3 submitted for consideration by the Board of Vocational Nursing and Psychiatric Technicians of  
4 the Department of Consumer Affairs.

5  
6 DATED: March 24, 2008

7  
8 EDMUND G. BROWN JR., Attorney General  
of the State of California

9 JAMES M. LEDAKIS  
10 Supervising Deputy Attorney General

11  
12   
13 DIANE DE KERVOR  
Deputy Attorney General

14 Attorneys for Complainant

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**Exhibit A**

**Accusation No. VN-2004-1966**

FILED

SEP 07 2007

Board of Vocational Nursing  
and Psychiatric Technicians

EDMUND G. BROWN JR., Attorney General  
of the State of California  
LINDA K. SCHNEIDER  
Supervising Deputy Attorney General  
DIANE DE KERVOR, State Bar No. 174721  
Deputy Attorney General  
California Department of Justice  
110 West "A" Street, Suite 1100  
San Diego, CA 92101

P.O. Box 85266  
San Diego, CA 92186-5266  
Telephone: (619) 645-2611  
Facsimile: (619) 645-2061

Attorneys for Complainant

BEFORE THE  
BOARD OF VOCATIONAL NURSING AND PSYCHIATRIC TECHNICIANS  
DEPARTMENT OF CONSUMER AFFAIRS  
STATE OF CALIFORNIA

In the Matter of the Accusation Against:

Case No. VN-2004-1966

JENNIFER JANE CABULONG  
6625 Avenida Michaelinda  
Riverside, CA 92509

A C C U S A T I O N

Vocational Nurse License No. VN 180541

Respondent.

Complainant alleges:

PARTIES

1. Teresa Bello-Jones, J.D., M.S.N., R.N. (Complainant) brings this Accusation solely in her official capacity as the Executive Officer of the Board of Vocational Nursing and Psychiatric Technicians, Department of Consumer Affairs.
2. On or about April 18, 1997, the Board of Vocational Nursing and Psychiatric Technicians issued Vocational Nurse License Number VN 180541 to Jennifer Jane Cabulong (Respondent). The Vocational Nurse License expired on March 31, 2007, and has not been renewed.

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1 and the board may inquire into the circumstances surrounding the commission of the crime in  
2 order to fix the degree of discipline or to determine if the conviction is substantially related to the  
3 qualifications, functions, and duties of the licensee in question.

4 "As used in this section, 'license' includes 'certificate,' 'permit,' 'authority,' and  
5 'registration.'"

6 7. Section 2875 of the Business and Professions Code (Code) provides, in  
7 pertinent part, that the Board may discipline the holder of a vocational nurse license for any  
8 reason provided in Article 3 (commencing with section 2875) of the Vocational Nursing Practice  
9 Act.

10 8. Section 2878 of the Code states in pertinent part:

11 "The Board may suspend or revoke a license issued under this chapter [the  
12 Vocational Nursing Practice Act (Bus. & Prof. Code, 2840, et seq.)] for any of the following:

13 "(a) Unprofessional conduct, which includes, but is not limited to, the following:

14 ". . . .

15 "(f) Conviction of a crime substantially related to the qualifications, functions,  
16 and duties of a licensed vocational nurse, in which event the record of the conviction shall be  
17 conclusive evidence of the conviction."

18 9. Section 2878.5 of the Code states:

19 In addition to other acts constituting unprofessional conduct within the meaning  
20 of this chapter [the Vocational Nursing Practice Act] it is unprofessional conduct for a person  
21 licensed under this chapter to do any of the following:

22 ". . . .

23 "(c) Be convicted of a criminal offense involving possession of any narcotic or  
24 dangerous drug, or the prescription, consumption, or self-administration of any of the substances  
25 described in subdivisions (a) and (b) of this section, in which event the record of the conviction is  
26 conclusive evidence thereof."

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10. Section 2878.6 of the Code states:

“A plea or verdict of guilty or a conviction following a plea of nolo contendere made to a charge substantially related to the qualifications, functions and duties of a licensed vocational nurse is deemed to be a conviction within the meaning of this article. The board may order the license suspended or revoked, or may decline to issue a license, when the time for appeal has elapsed, or the judgment of conviction has been affirmed on appeal or when an order granting probation is made suspending the imposition of sentence, irrespective of a subsequent order under the provisions of Section 1203.4 of the Penal Code allowing such person to withdraw his plea of guilty and to enter a plea of not guilty, or setting aside the verdict of guilty, or dismissing the accusation, information or indictment.”

11. Section 11032 of the Health and Safety Code provides, in pertinent part, that the term “narcotics” means controlled substances classified in Schedule I or II as defined in section 11054 or 11055 of that code.

12. Section 11032 of the Health and Safety Code provides, in pertinent part, that the term “restricted dangerous drugs” means controlled substances classified in Schedules III and IV as defined in sections 11056 and 11057 of that code.

## REGULATORY PROVISIONS

13. California Code of Regulations, title 16, section 2521, states:

“For the purposes of denial, suspension, or revocation of a license pursuant to Division 1.5 (commencing with Section 475) of the Business and Professions Code, a crime or act shall be considered to be substantially related to the qualifications, functions or duties of a licensed vocational nurse if to a substantial degree it evidences present or potential unfitness of a licensed vocational nurse to perform the functions authorized by his license in a manner consistent with the public health, safety, or welfare. Such crimes or acts shall include but not be limited to those involving the following:

“ ”

11/11/11

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“(c) Violating or attempting to violate, directly or indirectly, or assisting in or abetting the violation of, or conspiring to violate any provision or term of Chapter 6.5, Division 2 of the Business and Professions Code.

“ . . .

“(e) Conviction of a crime involving fiscal dishonesty.”

14. California Code of Regulations, title 16, section 2522.5, states:

“(a) When considering the suspension or revocation of a license on the ground that a licensed vocational nurse has been convicted of a crime, the Board, in evaluating the rehabilitation of such person and his eligibility for a license will consider the following criteria:

“(1) Nature and severity of the act(s) or offense(s).

“(2) Total criminal record.

“(3) The time that has elapsed since commission of the act(s) or offense(s).

“(4) Whether the licensee has complied with any terms of parole,

probation, restitution, or any other sanctions lawfully imposed against the licensee.

“(5) If applicable, evidence of expungement proceedings pursuant to Section 1203.4 of the Penal Code.

“(6) Evidence, if any, of rehabilitation submitted by the licensee.

“ . . . ”

## COST RECOVERY

15. Section 125.3 of the Code provides, in pertinent part, that the Board may request the administrative law judge to direct a licensee found to have committed a violation or violations of the licensing act to pay a sum not to exceed the reasonable costs of the investigation and enforcement of the case.

## DRUG

16. “Methamphetamine” is a Schedule II controlled substance pursuant to Health and Safety Code section 11055, subdivision (d)(2) and is a dangerous drug pursuant to Code section 4022.

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1 FIRST CAUSE FOR DISCIPLINE

2 (April 6, 2006 Criminal Convictions - Possession of a Controlled Substance and  
3 Possession of Stolen Property on May 3, 2005)

4 17. Grounds exist to revoke Respondent's license under Code sections 490,  
5 493, 2875, and 2878(f) for criminal convictions that are substantially related to the qualifications,  
6 functions, and duties of a licensed vocational nurse. On or about April 6, 2006 in the Superior  
7 Court for the County of Los Angeles, in a case entitled *People vs. Jennifer Jane Cabulong* (Sup.  
8 Ct., Los Angeles, 2006, Case No. VA088811), respondent pled nolo contendere to one violation  
9 of Health and Safety Code section 11377, possession of a controlled substance, a misdemeanor  
10 pursuant to 17(b)(4) of the Penal Code, and one violation of Penal Code section 496(a), possession  
11 of stolen property, a misdemeanor. The circumstances of the convictions are as follows.

12 18. Respondent's boyfriend, who was on felony probation, was arrested on or  
13 about April 30, 2005, for possession of several stolen gift/credit cards. On or about May 3, 2005,  
14 his home was searched by the Lakewood Special Assignment Team who monitor street gangs in  
15 the Lakewood area of Los Angeles. Respondent, who lived in the home with her boyfriend,  
16 opened the door when the police arrived. During a search of her bedroom, the police found three  
17 baggies containing a total of 2.66 grams of methamphetamine, a scale, stolen credit cards and  
18 receipts with credit card account numbers. The search of the house also revealed a street  
19 surveillance system, another digital scale with methamphetamine residue, three smoking pipes, a  
20 police radio scanner, and portable DVD players that look like they had been forcibly removed  
21 from vehicles, as well as an assault weapon style BB gun. A closed circuit TV camera was also  
22 located on the roof of the home.

23 19. Pursuant to a Plea Agreement, on or about April 6, 2006, Respondent was  
24 sentenced to 3 days in jail, 3 years of formal probation, substance abuse counseling, and \$270 in  
25 fines and restitution with \$100 stayed.

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1                                    SECOND CAUSE FOR DISCIPLINE

2                                    (Conviction for Possession of a Dangerous Drug)

3                                    20.       Respondent has subjected her vocational nurse license to disciplinary  
4 action under Code sections 2875 and 2878.5(c), in that she was convicted of possession of a  
5 dangerous drug, methamphetamine. The circumstances are set forth above in paragraphs 17 to  
6 19 and are incorporated by reference herein.

7                                    THIRD CAUSE FOR DISCIPLINE

8                                    (Unprofessional Conduct)

9                                    21.       Respondent has subjected her vocational nurse license to disciplinary  
10 action under Code sections 2875 and 2878(a) in that she committed acts of unprofessional  
11 conduct. The circumstances are set forth above in paragraphs 17 to 19 and are incorporated by  
12 reference herein.

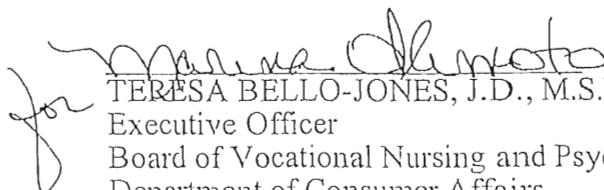
13                                    PRAYER

14                                    WHEREFORE, Complainant requests that a hearing be held on the matters herein  
15 alleged, and that following the hearing, the Board of Vocational Nursing and Psychiatric  
16 Technicians issue a decision:

- 17                                    1.       Revoking or suspending Vocational Nurse License Number VN 180541,  
18 issued to Jennifer Jane Cabulong
- 19                                    2.       Ordering Jennifer Jane Cabulong to pay the Board of Vocational Nursing  
20 and Psychiatric Technicians the reasonable costs of the investigation and enforcement of this  
21 case, pursuant to Business and Professions Code section 125.3;
- 22                                    3.       Taking such other and further action as deemed necessary and proper.

23 DATED: September 7, 2007

24

25                                      
26                                    TERESA BELLO-JONES, J.D., M.S.N., R.N.  
27                                    Executive Officer  
28                                    Board of Vocational Nursing and Psychiatric Technicians  
                                     Department of Consumer Affairs  
                                     State of California  
                                     Complainant